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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,851	03/12/2004	Nima A. Behkami	03-2123	1752

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EXAMINER

VY, HUNG T

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,851

Applicant(s)

BEHKAMI ET AL.

Examiner

Hung T. Vy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. As of entry of this amendment filed on 10/12/2006, claims 1-20 are pending in this application. Upon reconsideration, the Applicant's arguments are not persuasive (see response below).

Summary of claims

2. Claims 1-20 are pending.

Claims 1-20 are rejected.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, and 10 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Ito et al. (U.S. patent No. 6,985,831).

Regarding to the claims 1, and 10, Ito et al. discloses a presentation layer including: a data collection system, comprising: a data input form (710) adapted to receive data, a business logic layer including: a message queue (2,720) for receiving the data from the data input form (2, 710), and temporarily managing the data until the data collection system can process the data, a temporary data storage (730,731) for temporarily storing the data received by the message queue (720) while waiting for the data collection system to process the data (see column 23, line 60-68), a transaction

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manager (data processing layer)(714) for receiving the data from the message queue (720) and processing the data, a data logger (714, 731), for logging the processing transactions of the transaction manager, and it is inherent that a data loader for receiving the data from the transaction manager (714) because Ito et al. discloses the database (558) for storing the database and preparing the data for storage, and a data service layer including, a data storage device (558), for receiving the data from the data loader (see fig. 14).

Regarding to the claim 2, Ito et al. discloses the input form (2, 710) resides on a presentation layer of the data collection system (see fig. 14).

Regarding to the claim 3, Ito et al. discloses the message queue (720), temporary data storage (730,731), transaction manager (714), data logger (714, 731), and data loader all reside on a business logic layer of the data collection system (see fig. 14).

Regarding to the claim 4, Ito et al. discloses the data storage device (558) resides on a data service layer of the data collection system (see fig. 14).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6, 11 and 15-18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ito et al. (U.S. patent No. 6,985,831) in view in fig. 4 of Ito et al.

Regarding to claims 5-6, 11 and 15, Ito et al. discloses all limitations of invention recited in claim 1 except for statistically manipulated historical trends of the data, a statistical process control engineer for receiving the data from at one of the transaction manager. However, in fig. 4, Ito et al. discloses statistically manipulated historical trends of the data (154,162), a statistical process control engineer (154) for receiving the data from at one of the transaction manager (see fig. 4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Ito's embodiment in fig. 14 by adding a statistical process control engine in fig. 4 in order to provide a statistics to a user's database for state purpose has been well known in the art as evidenced by the teaching of Ito's embodiment in fig. 4.

Regarding to the claim 16, Ito et al. discloses the input form (2, 710) resides on a presentation layer of the data collection system (see fig. 14).

Regarding to the claim 17, Ito et al. discloses the message queue (720), temporary data storage (730,731), transaction manager (714), data logger (714, 731), and data loader all reside on a business logic layer of the data collection system (see fig. 14).

Regarding to the claim 18, Ito et al. discloses the data storage device (558) resides on a data service layer of the data collection system (see fig. 14).

1. Claims 7 and 12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ito et al. (U.S. patent No. 6,985,831) in view of Ito et al. Admitted prior Art.

Regarding to claims 7, and 12, Ito et al. discloses all limitations of invention recited in claim 1 except for state simulation engine. However, in back ground invention, Ito et al. discloses a state simulation engine (see column 1, line 65-68). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Ito's embodiment in fig. 14 by adding a state simulation engine in order to provide a the accuracy data to a user's database for state purpose has been well known in the art as evidenced by the teaching of Ito's back ground of the invention (see column 1, line 65-68).

2. Claims 8-9, and 13-14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ito et al. (U.S. patent No. 6,985,831) in fig. 14 in view in fig. 5 of Ito et al.

Regarding to claims 8-9 and 13-14, Ito et al. discloses all limitations of invention recited in claim 1 except for the data input form is implemented as web object and web server. However, in fig. 5, Ito et al. discloses web object (see column 4, line 15) and web server (170) (see fig. 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Ito's embodiment in fig. 14 by adding a web object and a web server in order to access the data over the internet from user computer for state purpose has been well known in the art as evidenced by the teaching of Ito's back ground of the invention (see column 4, line 12-16).

3. Claims 19-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ito et al. (U.S. patent No. 6,985,831) in fig. 14 in view in fig. 5 of Ito et al.

Regarding to claims 19-20, Ito et al. discloses all limitations of invention recited in claim 15 except for the data input form is implemented as web object and web server. However, in fig. 5, Ito et al. discloses web object (see column 4, line 15) and web server (170) (see fig. 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Ito's embodiment in fig. 14 by adding a web object and a web server in order to access the data over the internet from user computer for state purpose has been well known in the art as evidenced by the teaching of Ito's back ground of the invention (see column 4, line 12-16).

Response to Arguments

4. Applicant's arguments filed on 03/03/2006 have been fully considered but they are not persuasive. Applicant made the following arguments:

a. "Thus, claim 1 recites seven specific elements of the invention in combination. Ito et al. do not describe these seven elements in combination. First, Ito et al. fail to describe a data input form. Instead, Ito et al. describe a data collection layer 710 that is principally responsible for accepting connections from the field instrument unit F1 2 (column 24 lines 8-9). Column 24 goes on to explain more about the data collection layer 710. However, nowhere is the data collection layer 710 described as being a form adapted to receive data. There are many different types of data entry. Claim 1 claims a form, and Ito et al. claim the data collection layer 710 that accepts connections. A form and something that accepts connections from field instruments are two different things. Thus, Ito et al. do not describe a data input form adapted to receive data. This is the first

patentable difference between claim 1 and Ito et al., and this difference alone is sufficient to find patentability of claim 1 over Ito et al.” page 7, first paragraph.

b. “Second, Ito et al. fail to describe a message queue for temporarily managing the data, in combination with a temporary data storage for temporarily storing the data received by the message queue while waiting for the data collection system to process the data. Instead, Ito et al. describe files 730, 731, that include log files, temporary data files, and other files used by the system 702. The files 730, 731 are used to provide more information about the system 702 when problems occur and to provide temporary storage for data before the data is saved to the database 558 (column 23 lines 60-67). Ito et al. also describe incoming data message queues 720 that receive data from the data collection layer 710. However, Ito et al. never describe that the files 730, 731 temporarily store the data received by the message queues 720 while waiting for the system to process the data. In fact, the files 730, 731 are not even in communication with the message queues 720, as depicted in figure 14. This is very different from the connections between the temporary data storage 32 and the message queue 34 as depicted in figure 1 of the present application, as described in claim 1. The message queues 720 of Ito et al. operate as storage space, and do not operate to temporarily manage data, in the manner as presently claimed. Thus, Ito et al. do not describe the message queue and temporary data storage that function and interact in the same manner as claimed in claim 1. This is the second patentable difference between claim 1 and Ito et

al., and this difference alone is sufficient to find patentability of claim 1 over Ito et al.” page 7, second paragraph.

c. “Third, Ito et al. fail to describe that the transaction manager receives data from the message queue and processes the data, as claimed in claim 1 and depicted in figure 1 of the present application. Instead, Ito et al. describe that the data processing layer 714 receives data from the files 731, the prioritized data message queues 702, and the database 558. However, Ito et al. do not describe that the data processing layer 714 receives data from the message queue 720. By contrast, claim 1 claims that the transaction manager receives data from the message queue. Thus, the relationship between the components described in claim 1 is different from that as described by Ito et al. This is the third patentable difference between claim 1 and Ito et al., and this difference alone is sufficient to find patentability of claim 1 over Ito et al.”, page 8, first paragraph.

d. “Thus, claim 10 recites all of the elements from the discussion above, wherein three patentable differences were identified between the invention as claimed and Ito et al. Further, claim 10 recites additional important aspects, such as the layer structure for the system, and the relationship of the various elements as to which layer they reside”, page 8, last paragraph.

e. “Thus, claim 15 also recites all of the elements from the discussion above, wherein three patentable differences were identified between the invention as claimed and Ito et al. Further, claim 15 recites additional important aspects, such as the state simulation engine. Ito et al. does not describe anything like a state

simulation engine, which coordinates communication between different programs in the manner as claimed and depicted in figure 3 of the present application. The examiner references the background section of Ito et al. for support of Ito et al.'s teaching of a state engine. However, the referenced portion, column 1 lines 65-68, says nothing about such a state engine (it is noted that column 1 only has 67 lines). Further, no other section of Ito et al. says anything about a state engine. Thus, there is identified another patentable difference between claim 15 and Ito et al.", last paragraph, page 9

In response to Applicant's argument **a** above, the Applicant's arguments are not persuasive because Ito et al. discloses Data collection layer is the collection the data or accepting connections from the field instrument unit F12 that receives the form of the data from FI. Dependent on what kinds of files or the data are transferred to the Data collection layer so the data have itself a form. Further, the claims recite a data input form adapted to receive data. The claims do not required to create a form for data.

In response to Applicant's argument **b** above, the Applicant's arguments are not persuasive because Ito et al. shows in fig. 14, that temporary data storage 731 receives the data from the data message queues 720 (720→712→731). The claims does not recite a temporary data storage receives **direct** a data from the message. Thus, Ito et al. describes the message queue and temporary data storage that function and interact in the same manner as claimed in claim 1.

In response to Applicant's argument **c** above, the Applicant's arguments are not persuasive because Ito et al. discloses the processing layer 714 receives data from the

message queue 720 (720 → 712 → 731 (or 702) → 714) (see fig. 14). The claims do not recite that the processing layer receives directly data from the message queue. Thus, the Examiner gives the broadest interpretation of the claim, Ito et al. reads all limitations claimed invention.

In response to Applicant's argument d above, the Applicant's arguments are not persuasive because Ito et al. discloses all elements in claim. The layers classify those elements in claim. Ito et al. discloses all elements in claim with the same structure so the system will provide the same layer as claimed invention.

In response to Applicant's argument e above, the Applicant's arguments are not persuasive because Ito et al. discloses in fig. 4 that the statistically manipulated historical trend of the data (154, 162), a statistical process control engineer (154)(state engine). In column 1, line 65-68 that support for motivation as providing a statistics to a user's database.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is (571) 2721954.

The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 2721934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

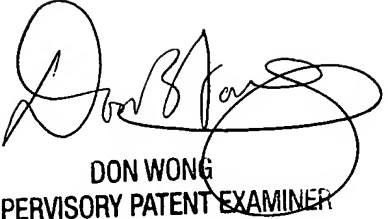
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Hung T. Vy
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November 1, 2006.

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